

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: JOHN C. FLAGLER, : Case No. 17-16997REF
Debtor : Chapter 7

ORDER

AND NOW, this 19 day of March, 2018, upon my consideration of Debtor's Motion for Contempt and Sanctions for Violation of the Automatic Stay by Francis E. Templin (the "Sanctions Motion"), and upon the testimony and documents presented at the hearing on the Sanctions Motion on February 12, 2018, and upon the memoranda submitted (1) by Debtor in support of the Sanctions Motion and (2) by Francis Templin ("Mr. Templin") in opposition to the Sanctions Motion, and upon my having never had presented such blatant violations, as well as so many individual instances of violations, of the automatic stay as Mr. Templin's efforts to sue Debtor, to establish a judgment or judgments against Debtor, and to collect on the judgment or judgments by having seized and sold Debtor's property, all after Debtor filed the above bankruptcy case, all with Mr. Templin's full knowledge of Debtor's bankruptcy, and all as evidenced by Debtor's uncontroverted production of exhibits that proved the violations, all of which exhibits were admitted into evidence at the hearing,¹ and upon Mr.

¹ Debtor's post-hearing memorandum itemizes and explains Mr. Templin's actions that constitute clear violations of the automatic stay. I quibble with only one of his itemized instances of a stay violation. I disagree with Debtor's Paragraph 5, in which he argues that Mr. Templin's frequent driving past Debtor's home constitutes a violation of the stay. I am not convinced on the record before me that Mr.


Templin's response to Debtor's post-hearing memorandum falling far short of countering Debtor's arguments,

I HEREBY ORDER that the Sanctions Motion be and is GRANTED.

I FURTHER ORDER that a hearing to determine the nature and amounts of damage caused by Mr. Templin, as well as any other sanctions or penalties that ought to be assessed against Mr. Templin, all as related to the issues addressed by Debtor in this Sanction Motion, shall be held at the following place, date, and time:

UNITED STATES BANKRUPTCY COURT – E.D. PA.
The Madison Building – Third Floor
4th and Washington Streets
Reading, PA 19601
Wednesday, April 4, 2018, at 10:00 a.m., prevailing time.

BY THE COURT



Richard E. Fehling,
United States Bankruptcy Judge

Templin drove by the number of times Debtor alleges. Furthermore, I am not convinced on the record before me that Mr. Templin's drive-bys constituted, in and of themselves, efforts to collect the amounts alleged to be due from Debtor. The allegations in Paragraph 5 are the only of Debtor's claims of stay violation with which I disagree. All other allegations by Debtor accurately describe violations of the stay.